

# SUBDIVISION REGULATIONS

## TOWN OF FREMONT ROCKINGHAM COUNTY NEW HAMPSHIRE

These Regulations were adopted at the annual Town Meeting on  
March 12, 1957

Revised: Public Hearing and Adopted August 12, 1987  
Revised: Public Hearing and Adopted December 14, 1994  
Revised: Public Hearing and Adopted April 10, 1996  
Revised: Public Hearing and Adopted December 3, 1997  
Revised: Public Hearing and Adopted December 9, 1998  
Revised: Public Hearing and Adopted December 1, 1999  
Revised: Public Hearing and Adopted October 18, 2000  
Repealed and Replaced: Public Hearing and Adopted February 13, 2002  
Revised: Public Hearing and Adopted September 18, 2002  
Revised: Public Hearing and Adopted July 2, 2003  
Revised: Public Hearing and Adopted September 14, 2005  
Revised: Public Hearing and Adopted December 28, 2005

TOWN OF FREMONT  
SUBDIVISION REGULATIONS  
TABLE OF CONTENTS

Section	Page #
Article 1      General Provisions	2
Article 2      Application Procedures	4
Article 3      Design Standards	9
Section 1. General Requirements for Subdivision of Land	9
Section 2. Specific Plan Requirements`	10
Section 3. Specific Plan Information – Existing Site Conditions	11
Section 4. Specific Plan Information - Proposed Site Conditions	12
Section 5. Fire Protection	14
Section 6. Sewage Disposal and Water Supply	15
Section 7. Utilities	16
Section 8. Easements	16
Section 9. Open Space Requirements	17
Section 10. Design Standards and Requirements for Road Improvements	17
Section 11. Special Flood Protection Provision	34
Article 4      Administration	35
Section 1. Performance and maintenance Guarantee	35
Section 2. Premature and Scattered Subdivision	36
Section 3. Waivers	37
Section 4. Recording the Final Plat	37
Section 5. Amendments	38
Section 6. Definitions	38
Appendix A = Cul-de-sac standards	
Appendix B = Typical local street section	
Application	

# **ARTICLE 1: GENERAL PROVISIONS**

## **SECTION 1. AUTHORITY**

Under the Authority vested in the Fremont Planning Board by the voters of the Town of Fremont, New Hampshire, on March 12, 1957 and in accordance with the provisions of the Fremont Zoning Ordinance as amended March 12, 1957 subsequently, and under the New Hampshire Statutes Annotated, the Fremont Planning Board adopts the following regulations governing the use and subdivision of land in the Town of Fremont, New Hampshire.

## **SECTION 2. PURPOSE**

- A. To influence the future growth and development of the Town in accordance with the Master Plan.
- B. To protect the general economy, health, safety, welfare, convenience and prosperity of the inhabitants of the Town.
- C. To consider and provide for orderly development on the basis of being an integral part of the community; assuring that such development will mesh effectively with the overall community goals and plans.
- D. To reflect the Town's attempt to bear a "fair share" of the burden of proposed growth and do so in a non-discriminatory manner.
- E. To provide for the continuance of the social and economic character of the Town.
- F. To assist in defining the minimum standards for design and implementation of subdivisions and other land use.
- G. To conserve the natural beauties and attributes of the topography of the Town and to insure appropriate development with regard to those natural features.
- H. To provide for the proper arrangement and co-ordination of suitably located streets so as to accommodate existing and prospective traffic.
- I. To provide for the protection of available aquifers and to insure the protection and conservation of wetlands.
- J. To provide for open spaces through the most effective land use.
- K. To provide for simple and accurate deed descriptions and maintain Tax Map integrity.
- L. To provide against scattered and/or premature subdivision of land as would involve danger or injury to health, safety or the prosperity of the inhabitants of the Town.

### SECTION 3. VALIDITY

If any section, clause, provision, portion or phrase of these regulations shall be held to be invalid or unconstitutional by any court of competent authority and jurisdiction such holding shall not affect, impair or invalidate any other section, clause, provision, portion or phrase of these regulations.

### SECTION 4. CONFLICTING PROVISIONS

Whenever the regulations made under the authority hereof differ from those prescribed by the statute, ordinance or other regulations, that provision which imposes the greater restriction or the highest standard shall govern.

### SECTION 5. REFERENCES

- A. Planning and land use regulations.
- B. Fremont Master Plan - Town of Fremont.
- C. Land Subdivision Regulations - Town of Fremont.
- D. Fremont Zoning Ordinance.
- E. Town, State and/or Federal Permits.

### SECTION 6. JURISDICTION

The provisions of these regulations shall apply to all land within the boundaries of the Town of Fremont.

- A. **Subdivisions.** Any person proposing to subdivide in the Town of Fremont must apply to the Planning Board for approval of such subdivision. A subdivision application must be made and approved before any offer to sell, rent or lease a proposed subdivision or part thereof before any construction, land clearing or building development is begun, before any permit for the erection of any building may be granted, and before a subdivision plat may be filed with the Rockingham County Registry of Deeds.
  - 1. **Lot Line Adjustments.** Minor lot line adjustments or boundary agreements that do not create buildable lots. Lot Line Adjustments shall be subject to the Subdivision Regulations and RSA 676:4.
- B. **Permits.** No building permit may be issued for the construction or alteration of any building or structure within the purview of these Regulations until a copy of an approved subdivision plat has been presented by the applicant to the Building Inspector/Code Enforcement Officer.

## **ARTICLE 2: APPLICATION PROCEDURES**

### **SECTION 1. FORMAL APPLICATION**

Applications for subdivision approval shall be filed with the Planning Board and shall fulfill all the requirements of Article III of these regulations. An application shall be on forms available from the Planning Board office. All subdivision plans may be reviewed by the Chairman and/or his/her designee who shall determine their compliance with these regulations and any other applicable regulations including, but not limited to, the Town's Zoning Ordinance, Subdivision Regulations. Subsequent to this review the Chairman or designee may recommend either acceptance or request further information from the applicant.

A completed application shall be submitted to, and accepted by the Board only at a public hearing for which notice has given to the applicant, abutters, and the general public in accordance with RSA 676:4, I (d) and Article III of these Regulations. Only completed applications will be placed on the Board's agenda for formal review. Submission and formal review can occur at the same public hearing.

A completed application sufficient to invoke jurisdiction of the Board shall be filed with the Board's designee or the Town Office at least fifteen (15) days prior to the public meeting of the Board at which it is to be submitted.

**A duplicate of the application and plans shall be sent to Rockingham Planning Commission for review of completeness of application at the time it is sent to the Planning Board.**

**All applications must conform to the Fremont Zoning Regulations before jurisdiction can be taken by the Planning Board."**

**An amendment to any existing approved subdivision plan shall be subject to all original conditions and approvals unless otherwise specified.**

### **SECTION 2. PRE-APPLICATION MEETINGS**

Pre-application meetings are highly recommended by the Board. Such meetings can identify potential problems in an application prior to major investments in site design by the applicant. Pursuant to NHRSA 676:4, II, all pre-application meetings are optional at the applicant's discretion, and are separate and apart from the formal consideration of the application. The following shall apply:

**A. Preliminary Conceptual Consultation.** This meeting shall be directed at a review of the basic concept of the proposal and suggestions which might be of assistance in resolving problems with meeting requirement during final consideration. Such consultation shall not bind either the applicant or the Board and statements made by Board members shall not be the basis for disqualifying said members or invalidating any action taken. The Board and applicant may discuss proposals in conceptual form only and in general terms such as desirability of types of development and proposals under the Master Plan. Such discussion may occur without the necessity of giving formal public notice, but such discussions may occur only at formal meetings of the Board.

**B. Design Review.** The Board and applicant may engage in nonbinding discussions beyond conceptual and general discussions which involve more specific design, planning and engineering details; provided that the design review may proceed only after formal public notice to the public and all abutters. Statements made by Board members shall not be the basis for disqualifying said members or invalidating any action taken. The applicant shall pay appropriate public notice fees as specified in

Section 9.B, and shall provide all required materials and information required for public notice per Sections 12 and 13.

The Board may send applications and copies of such plans to the Conservation Commission, building inspector, health officer, road agent, fire department, and police department and any other department or board for review and comments. Copies shall be available at the Selectmen's office and Town Clerk's office for public review.

### **SECTION 3. PUBLIC HEARING AND NOTICE**

When acting on a completed subdivision review application, the Board shall hold a public hearing to discuss the application. Per RSA 676:4, I (e), a public hearing shall not be required when the Board disapproves an application based upon an applicant's failure to supply information required by these regulations, including abutter's identification, failure to meet reasonable deadlines established by the Board, or failure to pay costs of notice or other fees required by the Board.

It shall be the responsibility of the applicant to supply the names and addresses of all the abutters upon filing the subdivision application with the Board. Per RSA 676:4, I (d), as amended, notification shall also be given to the applicant and all professionals, including every engineer, architect, land surveyor, or soil scientist, whose seals are affixed to the plan, as well as any holder of a conservation easement on the subject parcel. The board will conduct no review of submitted names for determination of complete abutter notification. Furthermore, the board takes no responsibility or liability for improperly noticed hearings resulting from applicant-generated abutter lists.

Abutters and the applicant shall be notified by the Board, in the form of a certified mailing, of the date upon which the application will be formally submitted for acceptance by the Board. Notice shall be mailed at least ten (10) days prior to the date of the public hearing. Notice to the general public will be given at the same time by advertisement in a newspaper of general circulation in the Town of Fremont, and shall be posted in at least two (2) public places. All costs of notice, whether mailed, posted or published, shall be paid in advance by the applicant (RSA 676:4, I (d)).

### **SECTION 4. REGIONAL NOTICE.**

In accordance with NHRSA 36:54-58, the Board may determine an application may have a regional impact. Projects that the Board determines may have a regional impact shall require additional notice, and by State law require additional time for public notice.

Notice shall be sent by certified mail fourteen (14) days in advance of the scheduled public hearing to the Rockingham Planning Commission and to each town reasonably likely to be affected, with each governmental entity to be considered an abutter for purposes of computing public notice fees.

## SECTION 5. FEES

- A. An application fee of one hundred and fifty (\$350.00) dollars per lot shall accompany each application for subdivision.
  - 1. **Application for Waiver or Amendment to any portion of an already approved plan (as per 1 lot; see fee schedule)**
- B. An additional fee of eleven (\$11.00) dollars per abutter, applicant and any person whose professional seal or stamp appears on the plan, for the costs of all notice requirements including cost of postage for certified mail. The fee for advertising of Legal Notice shall be the current rate of expense. Reproduction costs, and any publication and/or posting costs shall accompany each application.
- C. The Planning Board may require the applicant to pay costs of special investigative studies which may be necessary for the Planning Board to evaluate properly the impact of a proposed subdivision.
- D. The subdivider, by written agreement with the Board at the time of application, shall pay all costs to defray expenses incurred by the Board for engineering assistance or consultation regarding the proposed subdivision. These costs shall be paid during the review of the subdivision, depending on the nature of the cost and subsequent activities, but is required prior to approval and signing of the final plat. If a design review is required the applicant shall post a bond in the amount determined by the Board to be held by the Town until all design costs have been met by the applicant.
- E. All recording fees will be required prior to approval and signing of the final plat.
- F. Road Agent or Town Engineer activities and costs shall be reimbursed to the Town of Fremont at the then going rate for such service within the Town.
- G. The applicant will be responsible for all recording assessments and fees.

## SECTION 6. BOARD ACTION

### A. Application Acceptance

Upon delivery of an application, in accordance to Article II, Section 1, the Board shall have thirty (30) days to determine if the submitted application is complete, according to the Board's regulations, and shall vote upon its acceptance. Formal consideration may begin on the same night as the completed application is accepted by the board provided that notice of public hearing has been given.

### B. Decision

Within sixty-five (65) days after a completed subdivision application has been accepted for jurisdiction, the board shall approve, approve with conditions, or disapprove said application. In cases where a subdivision review application has been disapproved, the grounds for such disapproval shall be clearly stated in the minutes of the board's meeting and notice provided to the applicant.

Pursuant to NHRSA §676:4,I(c), the Board shall issue a decision within sixty-five (65) days of application acceptance, subject to time extensions per NHRSA §676:4,I(f). Applications which are not accepted require no decision. The Board must approve, conditionally approve, or deny the application, as follows:

### **1. Approval.**

The Board shall grant approval to an application when it fully complies with this chapter, including both design standards and compliance with procedures, subject to waivers granted and grandfathered rights.

### **2. Conditional Approval**

The Board may grant conditional approval of a subdivision review application, but the plan will not be signed or recorded until all of the conditions have been met. Conditions of this nature must be fulfilled before the planning board may give final approval to an application. Approval will become final without further public hearing, upon certification to the Board by its designee or based upon evidence submitted by the applicant of satisfactory compliance with the conditions imposed. Conditional Approval without a public hearing will only be granted when the conditions are:

- a) Minor changes whether or not imposed by the Board as a result of a public hearing, compliance with which is administrative in nature and which does not involve discretionary judgment; or
- b) Conditions which are in themselves administrative and which involve no discretionary judgment on the part of the Board, such as, payment of additional fees, minor textual corrections to submitted documents, submission of additional copies of submitted documents, or other similar items; or
- c) Involve the applicant's possession of permits and approvals granted by other Boards or governmental agencies, provided that the permits and approvals themselves have not required a change to the submitted plat or any other conditions imposed by the Board.

Unless otherwise specified within the approval, the applicant shall have three months to comply with the conditions of the approval and have the plan signed by the Board at a publicly noticed compliance hearing. If the conditions are not met within three months, the conditional approval shall lapse, unless a mutually agreeable extension has been granted by the Board. Extensions shall be granted only if there have been no amendments to the Zoning Ordinance, Subdivision Regulations, Non-residential Site Plan Review Regulations, or any other ordinances and regulations which would render the subdivision plan non-conforming, and if all other required permits are still valid.

### **3. Disapproval.**

The Board shall disapprove an application when it fails to comply with the design standards or procedures of this chapter, for failure to meet reasonable deadlines established by the Board, or for failure to pay fees. If the Board includes the phrase "without prejudice" in the motion to disapprove, it signifies that the application was denied for procedural reasons rather than design reasons, and that it may be re-submitted without design changes as a new application to the Board at a later date.



(a) **Extensions**

The planning board may apply to the Board of Selectmen for an extension not to exceed an additional ninety (90) days before acting to approve, approve with conditions, or disapprove an accepted non-residential site plan review application. An applicant may waive the requirement for Board action within the time periods specified in 6.1.3 and consent in writing to such extensions as may be mutually agreeable to both the Board and the applicant; in such an event, no application to the Board of Selectmen is required.

(b) **Failure To Act**

Upon failure of the Board to approve, conditionally approve, or disapprove the application, the Board of Selectmen shall, upon request of the applicant, immediately issue an order directing the Planning Board to act on the application within thirty (30) days per RSA 676:4, I(c)(1). If the Board does not act on the application within the thirty (30) day time period, then within forty (40) days of the issuance of the order, the Selectmen shall certify on the applicant's non-residential site plan review application that the plat is approved, unless within those forty (40) days the Selectmen have identified in writing a specific provision of the Non-residential Site Plan Review Regulations, Subdivision Regulations, Zoning Ordinance, or other applicable regulation or by-law with which the application does not comply. Such certification by the Selectmen of the foregoing shall constitute final approval under RSA 674:37 and 676:18, and court review under RSA 677:15.

(c) Major revisions and subsequent submissions may result in a new acceptance date for the application or a re-application and a new acceptance date for the application.

1. An amendment to any existing approved subdivision plan shall be subject to all original conditions and approvals unless otherwise specified.

## **SECTION 7. NOTICE OF DECISION.**

As required by NHRSA 676:3, within seventy two (72) hours of the meeting the Town shall issue a Notice of Decision which states the final decision reached by the Board regarding the application. In the case of a conditional approval, the Notice of Decision shall state all conditions to be met for final approval. Upon fulfillment of the stated conditions the Board shall issue a new Notice of Decision stating that all conditions have been satisfied, and shall sign and record the plats if applicable. In the case of a denial, the Notice of Decision shall state the reasons for denial as required by NHRSA 676:4,I(h) and NHRSA 676:3,I.

## **SECTION 8. APPEALS.**

Any person aggrieved by any decision made in the course of applications pursuant to this chapter may appeal to Rockingham County Superior Court in accordance with NHRSA 677:15.

## **SECTION 9. RECORDING PROCEDURES**

The Board shall require residential subdivision and lot line adjustment plans to be recorded with the Rockingham County Registry of Deeds, once said plan is approved or approved with conditions. Per RSA 676:4, I (g), the cost of said filing is considered an administrative expense, and shall be borne by the applicant. The filing fee must be paid prior to recording.

## **SECTION 10. ACTIVE AND SUBSTANTIAL DEVELOPMENT**

In accordance with RSA 674:39, the Board, at its discretion, may require all plans to include a note that shall specify the threshold level of work which shall constitute "active and substantial development or building" for purposes of fulfilling the requirements of RSA 674:39, I. This threshold for "active and substantial development or building" must be reached within twelve (12) months of approval before the plan will be eligible for the four-year exemption, as provided in 674:39, from subsequent changes in the Town of Fremont Zoning Ordinance, Subdivision Regulations, or Non-residential Site Plan Review regulations. The Board may extend this period for up to twelve (12) months only for good cause.

# **ARTICLE III: DESIGN STANDARDS**

## **SECTION 1. GENERAL REQUIREMENTS FOR SUBDIVISION OF LAND**

- A. Proposed subdivision shall conform to the Zoning Ordinance of the Town of Fremont. If land subdivision regulations and the Zoning Ordinance conflict the more stringent shall apply.
- B. The Board may require such additional area as may be necessary for each lot for on-site sanitary facilities or where the natural slope of land exceeds those requirements of the Fremont Zoning Ordinance.
- C. Where there is question as to the suitability of a lot for its intended use the Board may, after investigation, withhold approval of such lot.
- D. The Planning Board may specify areas designated for fire protection and control. The developer must show the adequacy of water supply for fire protection.
- E. Lots that are of a character which do not meet the requirements of the Fremont Zoning Ordinance must be specified as such and noted as non-buildable lots.
- F. Attention and conservation is to be given to natural water courses, historic and scenic spots to include large trees, rock walls, exposed rocks, etc., and other community assets which, if preserved, will enhance the overall value of the subdivision and enrich the neighborhood.
- G. Where the preliminary layout submitted covers only a part of the sub divider's entire contiguous parcel, a sketch of the prospective future street system of the unsubmitted portion shall be furnished and the street system of the submitted part will be considered with the street system of the unsubmitted portion.
- H. Land of such character that it cannot be safely used for building purposes because of exceptional danger to health or peril from fire, flood or other menace shall not be platted for residential occupancy, nor for

such other uses which might increase danger to health, life or property.

- I. The Board may require, in proper cases, that the plat show a park or parks suitably located for playground and/or recreational use.
- J. Sufficient space is to be reserved for adequate recreation or open land use.
- K. Areas set aside to be dedicated or to be reserved for all property owners by covenant in the deed, whether or not required by the Board, shall be of reasonable size and character for neighborhood recreational use.
- L. Utilities shall be installed in accordance with utility standards and requirements in effect at the time.
- M. The Board may require details of proposed buildings, with elevations, for review.
- N. Reserved strips of land which, in the opinion of the Planning Board, show an intent on the part of the sub-divider to control access to the land shall not be permitted.
- O. Stripping of vegetation, regrading or other development shall be done in such a way that will minimize soil erosion. Whenever practical, natural vegetation shall be retained, protected and supplemented. An erosion and/or sedimentation control plan, and/or temporary vegetation or mulching will be required by the Board where considered necessary. In addition, erosion control plans are required by State Statutes for projects disturbing large square footage's of soil, which includes most projects. These plans must be made available to the Planning Board.
- P. Lot line adjustments are subject to subdivision regulations and RSA 676:4. Minor Lot Line Adjustments, Scenic Road Hearings and any other public hearings are subject to regulation 5, Fees.

## **SECTION 2: SPECIFIC PLAN REQUIREMENTS**

### **SUBDIVISION PLAN**

#### **A. Scope of Review**

Every application for subdivision review must incorporate the entire parcel within the review. Not to do so may cause approval of a lot or situation which is not in conformance with the zoning ordinance and/or other applicable ordinances and regulations.

#### **B. Professional Standards**

Subdivision plans shall be prepared, stamped, and signed by a registered Professional Engineer and/or Licensed Land Surveyor licensed in New Hampshire. The requirement for a Professional Engineer shall apply to all plans showing roadways, utilities, bridges and culverts, plus drainage and other construction plans. In specific cases, the Board may waive the requirement for a Professional Engineer in accordance with §X, Waivers.

#### **C. Sheet Size**

All plans shall be drawn in ink and be presented on sheet sizes that conform to the requirements of the Rockingham County Registry of Deeds. The Board requests only one sheet plan size be used for preparing all plans in a set.

**D. Copies**

A completed application shall contain six (6) copies of the plans. However, only two (2) copies of the drainage report shall be required. The Planning Board may require additional plans when needed.

In an effort to provide the Town of Fremont with accurate records and tax maps the Planning Board requires that CAD drawn plans shall be included with the application in electronic, form preferably on a 3.5 inch floppy disk.

A duplicate of the application and plans shall be sent to Rockingham Planning Commission for review of completeness of application at the time it is sent to the Planning Board. The date of the public hearing shall be included with the application.

**SECTION 3. SPECIFIC PLAN INFORMATION - EXISTING SITE CONDITIONS**

In order for the Board to comprehensively evaluate a subdivision plan proposal, the applicant is required to show the following information as part of the subdivision plan, unless granted a waiver in accordance with Article IV, Waivers. Other information may be reasonably required by the Board and shall be submitted. Such additional submittals may be required in cases where the submitted information fails to permit the Board to review the subdivision in light of the requirements of Sections 3 and 4 and the purposes of this Article.

- A. Location of site, names, and addresses of current owners of record and current abutting land owners. A separate list of current names and addresses of abutters must also be provided.
- B. Proposed subdivision name and plan number. Name and address of person(s) or firm preparing the plan. Said plan must contain the date of preparation, title, north arrow, scale, legend and zoning district(s). Name and address of person(s) or firm preparing other data and information if different from the preparer of the map. Plans shall also contain a signature block for Board approval.
- C. Surveyed property lines including angles or bearings, distances, monument locations and size of the entire parcel. Said plan must be attested to and stamped by a Licensed Land Surveyor licensed in the State of New Hampshire, signature, seal, and license number shall be legible and included on the plan.
- D. Area, in acres and square feet, of the entire site of proposed subdivision. Acre, square feet and percentage of total area for the following segments of information; total area, area left in natural state, area of wetlands, recreation area and area used.
- E. Existing grades and topographic contours at intervals not exceeding two (2) feet with spot elevations where the grade is less than five percent (5%).
- F. The location of existing drainage systems, structures, and drainage easements, if any.
- G. The shape, size, height, location and use of all existing structures, including wells and septic systems, on the site and within two hundred (200') feet of the site.
- H. Natural features such as streams, marshes, lakes, ponds, rock outcrops, wooded areas, significant trees, ledge, and other significant environmental features, including wetland soils as defined under current Fremont Wetlands Ordinance, wetlands shall be identified by a NH certified soil scientist or NH certified wetland scientist.

- I. Man-made features such as, but not limited to, existing roads, stone walls, pedestrian ways, and other structures. The plan shall also indicate which structures are to be retained and which are to be removed or altered.
- J. The size and location of all existing public and private utilities, including off-site utilities to which connection is planned, and any underground storage tanks, abandoned or in use.
- K. A vicinity sketch showing the location of the site in relation to the surrounding public street system, to be shown within a distance of one thousand (1,000') feet.
- L. A High Intensity Soil Survey (HISS) of the entire site, or the portion as determined by the Board. Such soil survey shall be prepared and stamped by a certified soil scientist in accordance with the standards established by the Rockingham County Conservation District. Any cover letters or explanatory data provided by the certified soil scientist shall also be submitted.
- M. Location and description of all existing easements and/or rights of way, parks, reservations, conservation land, and holders of conservation easements.
- N. Tax map and parcel number.
- O. Each existing building or manmade structure, including stone fences, shall be shown on the plan and reviewed with the Board for historic significance. Such historic features may be destroyed or removed only with Board approval
- P. Summary of Fremont Zoning Ordinance requirements, including, but not limited to summary of lot size requirements, lot area, frontage, etc.
- Q. The subdivision plan shall show any burial site or cemetery as separate from the remainder of the subdivision by means of a fence or stone wall. This fence shall be placed not less than twenty-five (25') feet from any grave, monument, or tomb and will be shown on subdivision plans accordingly.
- R. Plans shall show all existing or planned burial site(s) or cemetery(s) as separate lot(s) which may be deeded to the Town of Fremont. Access for maintenance shall also be shown on the subdivision plan.
- S. Scale should be not more than one inch = one hundred feet (1" = 100').
- T. The final plan(s) shall include sufficient data acceptable to the Planning Board and the Town Engineer to determine readily the location, bearing and length of every existing and proposed street line and lot line, and to reproduce such lines upon the ground. All dimensions shall be shown to hundredths of a foot and bearings to at least half minutes. The error of closure shall not exceed a ratio of one to ten thousand (1 to 10,000). The final plan(s) shall show the boundaries of the property and the bounds of any public or private streets and easements abutting or pertaining to the proposed subdivision in any manner.

#### **SECTION 4. SPECIFIC PLAN INFORMATION- PROPOSED SITE CONDITIONS**

In order for the Board to comprehensively evaluate a subdivision plan proposal, the applicant is required to show the following information as part of the subdivision plan, unless granted a waiver in accordance with Article IV, Waivers. Other information may be reasonably required by the Board and shall be submitted. Such additional submittals may be required in cases where the submitted information fails to permit the Board to review the subdivision in light of the requirements of Sections 3 and 4 and the purposes of this Article.

- A. Estimate/calculate the number of school age children brought to bear on the Town due to the proposed subdivision.
- B. Estimate/calculate the road traveled mileage and route from the local fire and rescue department and from the local school.
- C. Area, in acres and square feet, of each proposed lot. Acre, square feet and percentage of total area for the following segments of information; total area, area left in natural state, area of wetlands and area used.
- D. Clear delineation of wetlands and watershed protection districts peripheral area must be provided. Include lot line setbacks on each lot as well as wetland set backs.
- E. Proposed grades and topographic contours at intervals not exceeding two (2') feet with spot elevations where grade is less than five percent (5%).
- F. Construction drawings and location, name, width, curbing and paving of proposed streets, drainage ways, and profiles and the elevations of sufficient points on the property to indicate the general topography of the property , driveways and sidewalks with indication of direction of travel for one-way streets. Including the radii of streets, driveways, access ways, and sidewalks within the site and its relationship to the off-site street system.
- G. Location and timing patterns of proposed traffic control devices, including painted road indicators, and all signage.
- H. Designs of any bridges or culverts that may be required.
- I. Where the plat submitted covers a part of the subdivider's entire holding, a sketch of the prospective future street system of the unsubmitted part shall be furnished and the street system of the submitted part will be considered in the light of adjustments and connections with the street systems for the part not submitted.
- J. The location, size and layout of on and off-street parking, including loading zones. The plan shall indicate the calculations used to determine the number of parking spaces required and provided.
- K. The location and layout of proposed drainage systems and structures, including elevations for catch basins designed in accordance with these regulations.
- L. Note indicating that "all road and drainage work to conform to the standard specifications for construction in the State of New Hampshire".
- M. The size and location of all proposed public and private utilities, including but not limited to: water lines, sewage facilities, gas lines, power lines, telephone lines, fire hydrants and alarm connection, underground storage tanks, and other utilities.
- N. The location and type of street lighting, including the cone of illumination on the site.
- O. Location and description of proposed easement(s) and/or rights-of-way. Locations of access to existing town roads, as stated in RSA 236-13, Section 5, and copies of permits for the access.

- P. The location and size of all proposed open space areas or parcels to be dedicated to public use and the conditions of such dedication and a copy of such private deed restrictions as are intended to cover part or all of the tract.
- Q. Deeds or other proposed documents of conveyance of any land located within the subdivision proposed by the Subdivider for use for recreational or other Town purposes and Town ownership shall be part of the application. These proposed documents of conveyance shall be in a form satisfactory to Town Counsel. The fact that the Subdivider makes such offers and Town Counsel approves the form of the documents does not bind the Town or its agents to accepting the offer. The suitability of lands offered for recreational or conservation uses shall be determined by the Conservation Commission of the Town. A letter indicating the Commission's opinion shall accompany the application.
- R. The location of all monumentation that is to be installed in accordance with these regulations shall be shown on the plans. If the monumentation is changed in the field after construction supplemental information shall be filed with the Planning Board to be added to the file. Any change in the actual layout of the lots shall require planning board approval in accordance with these regulations.
- S. Any other information the Board may require in order to properly evaluate the proposed development including, but not limited to, the following:
  - (1) Calculations relating to stormwater runoff.
  - (2) Information on the composition and quantity of wastewater generated.
  - (3) Information on air, water, or land pollutants discharged.
  - (4) Estimates of traffic generation.
  - (5) Grading, drainage and erosion and sediment control plan.
- T. **Hours of Operation.**
  - (1) The Board reserves the right to revisit and revise the approved hours of operation if and when it deems necessary to do so.

## **SECTION 5. FIRE PROTECTION**

- A. Fire hydrants, fire ponds, and other improvements reasonably required for fire safety shall be provided as specified by the Fremont Fire Department and approved by the Planning Board. These items shall be shown on the site plan and installed by the applicant. No certificates of occupancy shall be issued prior to the installation and inspection of any fire safety improvements.
- B. The Planning Board in its discretion may require the applicant to consult with the Fremont Fire Department to determine what, if any, appropriate fire protection measures are reasonably necessary. The applicant shall provide the Planning Board with the results of such consultation in the form of a letter or representations of facilities on the plan. The Planning Board may require additional fire protection measures in addition to the Fremont Fire Department's recommendation if reasonably necessary.
- B. The proposed subdivision may require an appropriate water supply source for the purpose of fire prevention and control. Any Subdivision of five (5) or more lots shall require fire protection. The water supply system

must be such that it will provide for hydrant hook up with roadway access. Hydrants must be such as to provide for strategic placement requiring no more than fifteen hundred (1500') feet to proposed building locations. Hydrant locations will meet set back requirements in effect at the time. A site specific design and review must be submitted to and approved by the Rockingham County Conservation District. Proper right-of-way easement rights must be supplied for maintenance of piping and water source. Sufficient off street access/parking of no less than twenty (20') feet deep and long enough to allow fire equipment to drive up to the hydrant without backing up.

## **SECTION 6. SEWAGE DISPOSAL AND WATER SUPPLY**

### **Water, Wells, On-site Sewage, and Hydrogeological Studies**

#### **A. Water.**

1. **On-site water supply:** the provision of an on-site water supply shall conform to criteria of the Water Supply and Pollution Control Division of the N.H. Department of Environmental Services. It shall be the responsibility of the applicant to provide sufficient and complete information to prove that the site is able to permit the installation and operation of both individual on-site water supply and sewage disposal systems.
2. A hydrogeologic study shall be required for any well with a withdrawal of over twenty thousand (20,000) gallons per day.

#### **B. Well Radius Placement.**

1. Each newly created lot shall show the entire well radius protection area of no less than one hundred (100').
2. The entire required well radius shall be located within the boundaries of each newly created lot.
3. Well radius easements covering neighboring parcels are not permitted in new subdivisions. This insures:
  - (a) Protection of health and safety for individual on-site water resources from adverse impacts of land uses on adjacent and neighboring parcels.
  - (b) Allows for maximum flexibility in the placement of septic systems and other land uses on neighboring parcels of land.
  - (c) Promotes the wise and free use of property unencumbered by easements.
  - (d) All well radii shall be no less than one hundred (100') feet from any septic system.



C. **Sewage**

1. No subdivision plan shall be approved where the site does not meet the minimum standards imposed by the Water Supply and Pollution Control Division of the N.H. Department of Environmental Services and the design standards for sewage systems.
2. Each site or lot proposed for residential development shall have at least two test pits, separated by at least fifty (50') feet. The test pits shall establish the existence of a contiguous area of four thousand (4,000) square feet, or larger per Env-Ws 1014.01 et seq., suitable as a receiving layer for a leaching system. At least one test pit and percolation test area must be located within this area. This area shall be shown on the plan. The Board requires that all test pits be verified by its designated agent. The entire four thousand (4,000 sf) square foot area must meet or exceed all applicable regulations, local, state or federal, for the installation of a septic system. That is, no portion of the contiguous area must be unavailable for the installation of a septic system for any reason.
3. A hydrogeologic study shall be required for a development where a septic system is being designed to accommodate twenty five hundred (2,500) gallons per day, or more.
4. The Board may require approval for individual lot sewage disposal systems. The Board may also require an acceptable **as built** plan indicating location of such systems.

## **SECTION 7. UTILITIES**

- A. The applicant proposing a residential development shall insure the installation all electric, telephone, and other utility distribution lines per specifications of the public utility companies involved, and easements required for transformer units shall be provided by the developer.
- B. The Planning Board may, in its discretion, reasonably require underground utilities.

## **SECTION 8. EASEMENTS**

- A. All easements dedicating rights to the Town of Fremont are subject to review and approval by the Board and Town Counsel, and any other Town agent or body which the Board and/or Counsel deem necessary.
  1. Where the topography is such as to make difficult the inclusion of any utilities or other facilities within the road rights-of-way, the subdivision plan shall show the boundaries of the proposed permanent easements over or under private property. Such easements shall not be less than twenty five (25) feet in width and shall have satisfactory access to existing or proposed rights-of-way.
  2. Where a proposed residential development is traversed by a watercourse or drainage way, the Board may require a stormwater easement or drainage right-of-way of at least twenty five (25) feet in width.

## SECTION 9. OPEN SPACE REQUIREMENTS

In accordance with RSA 674:36, II, a subdivision of land shall show open spaces of adequate proportions. Plats submitted to the planning board for approval which show new streets or narrowing or widening of such streets shall show a park or parks suitably located for playground or other recreational purposes that are reasonably sized for neighborhood use.

- A. **Natural Features.** The subdivision and development shall, whenever possible, preserve in their natural condition important natural features. The Planning Board may request an advisory opinion from the Conservation Commission in the determination of the value of natural features and the boundaries of such natural systems. Such areas include watercourses, wetland areas, steep slopes, large or unique trees, groves, or special habitats. Natural features that provide buffers between lots, or sections, of a subdivision should be preserved to enhance privacy and aesthetic value.
- B. **Buffer Strips.** The Planning Board may require the designation of buffer strips of at least fifty (50) feet width around surface water, wetlands, or other natural features which may be adversely affected by erosion or stormwater runoff. The Board may require a vegetative buffer to provide screening where non-residential developments abut a residential zone.
- C. **Parks.** The Board may require the dedication or reservation of such open space within the subdivision for park, playground or other recreational or open space purposes, for the residents of the subdivision.

The Board shall also require of the developer that he/she supply and plant such trees and shrubbery as are deemed compatible to the environmental design of the neighborhood. It shall also be stipulated by covenant upon the plan that such open spaces shall not contain signs other than street directional or place-name signs. Upon approval of the final plans and plantings, if the park is dedicated for public use, the maintenance of said landscaped areas shall be the responsibility of the community. If the park is solely for subdivision use, the maintenance of said landscaped areas shall be the responsibility of the residents of the subdivision.

- D. **Tree Planting.** The planting of shade trees within all subdivision layouts where residential, commercial, or industrial development is to take place may be required of the developer who shall supply planting plans to the Board. The planting plans of shade trees within proposed or accepted rights-of-way must be submitted to the Conservation Commission and receive its approval before planting.

## SECTION 10: DESIGN STANDARDS AND REQUIREMENTS FOR ROAD IMPROVEMENTS

### 10.01 GENERAL:

- A. **Approval of Improvements:** All improvements shall be designed and constructed in accordance with the Town of Fremont regulations and standards, and shall be subject to the approval of the Board.
- B. **Installation and Maintenance:** The Applicant is responsible for the satisfactory installation of all required improvements and maintenance of these improvements in a satisfactory condition without cost to the Town of Fremont until their acceptance by the Town of Fremont.
- C. **Standards and Specifications:** The following standards and specifications shall include but not be limited to the following in the design and construction of all improvements:
  - 1. ZONING ORDINANCE - Town of Fremont, current edition;

2. MANUAL ON DRAINAGE DESIGN FOR HIGHWAYS - State of New Hampshire, Department of Public Works and Highways, current edition;
3. MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD) - U.S. Department of Transportation, Federal Highway Administration, current edition;
4. STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION - State of New Hampshire, Department of Transportation, most current edition;
5. HIGHWAY DESIGN MANUAL - State of New Hampshire, Highway Design Division, most current edition;
6. A POLICY ON GEOMETRIC DESIGN OF HIGHWAYS AND STREETS - AASHTO - 1990;
7. STORMWATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL HANDBOOK FOR URBAN AND DEVELOPING AREAS IN NEW HAMPSHIRE - August 1992, prepared by Rockingham County Conservation District (Green Book);
8. Other standards and specifications as approved by the Town of Fremont.

## **10.02 ROADWAY DESIGN STANDARDS:**

### **A. General:**

1. All subdivisions shall have adequate provision for a safe and suitable access to a Class V or better road or shall make provisions for the construction and dedication of a Class V or better road in order to obtain safe and suitable access to the subdivision. Where an adjacent existing street from which access is gained is deemed to be substandard, the upgrading of said street should be provided for, as may be required by the Town of Fremont.
2. Where traffic from a proposed subdivision will adversely impact a nearby street or intersection, provisions shall be made for the mitigation of said impacts. Proposed streets, whether to be dedicated as public streets or retained as private streets, shall be of suitable location, width, grade, and improvement to accommodate prospective traffic and afford satisfactory access to police, fire fighting, emergency equipment, snow removal, sanitation, and road maintenance equipment.
3. The arrangement and character of all streets in a subdivision shall conform to the Master Plan, and shall compose a safe and convenient system in relation to other existing and planned streets, to topographical conditions, and to the proposed uses of land to be served by street. Existing stonewalls shall be retained where possible or relocated and restored as required by the Planning Board.

- B. Access:** No subdivision shall be approved unless the property to be subdivided shall have frontage on and access from an existing Class V or better road. Each lot shall have a safe, independent and direct access from a Class V or better road. Where warranted, the Board may require that two (2) lots share a driveway. All portions of such a drive that are commonly shared shall be improved to facilitate two (2)-way traffic flows beyond Town right-of-way. Rights of

passage over and across such a driveway shall be established by easement for each of the lots so served.

- C. **Right-of-way:** The Board may require greater width of right-of-way where, in its judgement, the width is warranted due to present or future demands.

- D. **Arrangement:** All streets shall be integrated with the existing and proposed street system. The Applicant shall provide for a circular terminus at the end of all proposed roads, for all phases and situations, where through streets are not provided in the design. Where extension of existing roadways is proposed, the existing turnaround shall be removed in its entirety. All projection of streets to adjoining property, that is not subdivided, shall be completed to adjoining property lines. A right of way to the adjoining property shall be provided to allow for possible future connections where applicable.

E. **Classification:**

1. **Collector street:** A street that will carry traffic from local streets to the major system of arterial streets and highways. A collector street is anticipated to have an average daily traffic that exceeds one thousand (1,000) vehicles /day.
2. **Local street:** A street used primarily for access to abutting properties, designed and intended to carry through traffic. A local street is anticipated to have an average daily traffic of zero to one thousand (0 – 1,000) vehicles /day.
3. **Cul-de-sac:** Streets, including loop streets, with only one point of access from an approved street with multiple points of access. Cul de sacs shall have a minimum right of way radius of one hundred (100') feet from the center to the outside edge. The center of the cul de sac shall consist of a fifty (50') foot radius green area.
4. **Private street:** All streets on property held under private ownership and not maintained by the Town. Private streets shall be constructed to meet all local street requirements.

F. **Driveways:**

1. When a proposed driveway is located on a State road, the Applicant is responsible for obtaining the necessary approval and permits from the State. A copy of the permit shall be submitted to the Town of Fremont and the New Hampshire Department of Transportation approval number shall be shown on the plan;
2. When a proposed driveway is located on a Town road, the Applicant is responsible for certifying the proper sight distance is provided at the location indicated on the plans. For all residential driveways located on the lot serving a single family or duplex lot, the minimum proper all season sight distance shall be two hundred and fifty (250') feet in all directions.
3. All driveways shall provide sufficient opportunity for reversing of vehicles to prevent backing onto Town Roads.
4. All driveways shall conform to the side and rear setbacks contained in the current zoning regulations.
5. For all other driveways (common, commercial, industrial, multi-family, etc.), the minimum all season sight distance shall be three hundred and sixty-five (365') feet in all directions meeting

the requirements for roadway intersections. Proper visibility easements shall be provided to meet the sight distance requirements. The Applicant is responsible for obtaining a driveway permit from the Road Agent prior to the issuance of a building permit; and

6. Maximum driveway width for residential single family and duplex lots shall be twelve (12') feet at the right-of-way with ten (10') foot radii at the edge of pavement of the street.
  7. Any new driveway of excessive length shall provide a hammerhead turnaround for protection from radiant heat no closer than one hundred (100') to any dwelling.
- G. Sidewalks:** The Board may require the construction of sidewalks for pedestrian access to schools, parks, shopping areas and transit stops or where population density and/or traffic volume conditions are such that the Board determines the construction of sidewalks to be prudent. In commercial and industrial districts, sidewalks may be required on both sides of the street. In residential districts, sidewalks may be required on one side of the street.
- H. Walking Trails:** The Board may require the construction of walking trails for projects where the Board determines the construction of trails will connect to existing and planned trail systems and be desirable to the character and nature of the neighborhood.
- J. Roadside drainage:** Roadside drainage shall be maintained by roadside swales, as required to control runoff and directed by the Town of Fremont.
- K. Streets in cut/fill:** Side slopes in fills shall be no steeper than 4 horizontal to 1 vertical (4H:1V), graded, covered with loam and seeded as required to match to original ground with appropriate slope easements outside of the roadway right of way (R.O.W.). All slopes in ledge cut shall be no steeper than 1H: 2V. A chain link fence shall be provided at the top of the ledge cut. The Applicant shall provide proper construction details to show the required information.
- L. Easements:** Slope, visibility, and/or drainage easements shall be provided to the Town of Fremont and clearly shown on the subdivision plan.
- M. Street Signs:** The location and type of sign to be installed by the developer shall be in accordance with the Manual on Uniform Traffic Control Devices (MUTCD).
- N. Street Light:** Street lights shall be provided if required by the Board.
- O. Street Name:** No street name shall be used which will duplicate or be confused with any street name already in use. Street names shall be subject to the approval of the Board and/or Fire Department.
- P. Guardrail:** Guardrail shall be metal beam on wood posts, meeting the New Hampshire Department of Transportation Standards and Specifications. All guardrail installation must end safely using a MELT-type terminal unit. FLEAT or ELT-type units may be permitted by the Road Agent. Guardrail shall be used in locations where the New Hampshire Department of Transportation's typical warrant for guardrail is met and/or as required by the Board.
- Q. Under-drain:** Under-drain may be required in all roadway cut sections as determined by the Road Agent and/or Town Consultant Engineer or where the seasonal high water table is within four (4) feet of finished grade. Under-drain shall be four (4") inches perforated PVC or HDPE pipe located at the bottom of a twenty four inches by twenty four inches (24" x 24") trench containing three quarter inch (¾") clean stone wrapped with Mirafi 140N drain fabric (or equivalent).

- R. **Roadway Design Standards:** The standards for roadway design shall be in accordance with Table 1.

TABLE 1			
	Collector	Local	Private
Right-of-way	60 feet	50 feet	50 feet
Pavement width	28 feet	24 feet	24 feet
Gravel Shoulder width	2 feet	3 feet	3 feet
Sidewalk width	5 feet	5 feet	5 feet
Grade: Minimum	1%	1%	1%
Maximum	5%	6%	6%
Cross-slope	3%	3%	3%
Maximum length*		800 feet	800 feet
Minimum tangent length between reverse curves	200 feet	100 feet	100 feet
Minimum center-line radius	300 feet	250 feet	250 feet

- Six hundred feet exclusive of cul de sac. Planning Board may waive length restriction on a case by case basis.
  - Except where near future connections, as determined by sufficient evidence presented to the Planning Board, may be possible, dead end or cul-de-sac streets shall not exceed eight hundred (800') feet maximum length, six hundred (600') feet exclusive of the cul-de-sac itself, and shall terminate with a turn-around area as prescribed by the Board but, in any event, with a right-of-way radius of one hundred (100') feet from the center to the outside edge. Under **no circumstances shall a dead end street exceed 1,500 feet in length.**
1. **Vertical Curves:** A vertical curve shall be introduced between tangents where the algebraic difference in grade is in excess of one percent (1%);
  2. **Horizontal Curves:** Where street lines intersect at angle points, a curve of appropriate radius shall be introduced between horizontal tangents; and
  3. **Maximum Grade on Local Streets:** Where, in the opinion of the Board, and where it has been demonstrated to the satisfaction of the Board by the Applicant, that adherence to the maximum grade specified above will cause local streets to be constructed in what the Board considers to be excessive cuts or fills, a waiver from the above specified maximum grade may be granted, provided:
    - (a.) the maximum allowable grade be eight percent (8%);

- (b.) the maximum length of such grade, measured between vertical points of intersection (PVI) is five-hundred (500') feet;
  - (c.) no other such slope greater than six percent (6%) occurs within five-hundred (500') feet measured along the centerline of the road from PVIs; and
  - (d.) the Applicant provide written justification to the Board for the design of a street grade greater than six percent (6%).
4. **Sight Distance:** Minimum sight distance shall be designed in accordance with AASHTO, "APOLICY for GEOMETRIC DESIGN of HIGHWAYS and STREETS," current edition.

**S. Intersections:**

1. **Offset intersections:** Streets intersecting from opposite sides shall have their centerlines meet, or the offset between intersections shall be a minimum of one-hundred fifty (150') feet. The offset shall be measured from centerline to centerline.
2. **Angles at intersections:** Streets shall be designed to, as nearly as possible, intersect at right angles with a fifty (50') foot minimum tangent section. No streets shall intersect any other streets at an angle less than seventy five (75) degrees. The centerlines of no more than two (2) streets shall intersect at one point.
3. **Right-of-way radii:** Minimum right-of-way radii rounding for intersection corners shall be:

TABLE 2	
Street R.O.W. Width	R.O.W. Radii
50 feet	25 feet
60 feet	30 feet

TABLE 3	
Street R.O.W. Width	Edge of Pavement Radii
50 feet	30 feet
60 feet	35 feet

4. **Street width:** When streets of different widths intersect, the radius of the wider street shall apply.
5. **Sight distance:** Streets shall not be designed with intersections on the inside of curves or at any location where sight distance will be inadequate for drivers to tell if they can safely enter the traffic flow.
6. **Visibility easements:** Visibility easements shall describe an area to be maintained clear of any and all obstructions and which provide sight

distance in accordance with these regulations. No sign, hedge, structure, natural growth, fence or other obstruction of any kind which obstructs sight distance shall be installed or maintained within the visibility easement.

7. **Grades at street intersections:** When two streets intersect, neither street shall have a grade greater than three percent (3%) for a minimum distance of fifty (50') feet measured from the edge of pavement of the intersecting street. The minimum vertical curve length allowable at the intersection shall be fifty (50') feet.

**T. Structural sections:** Structural sections shall be as shown below:

	<b>Collector</b>	<b>Local</b>	<b>Private</b>	<b>Sidewalks</b>
Gravel *	12 inches	12 inches	12 inches	-
Crushed gravel **	8 inches	6 inches	6 inches	8 inches
Base course	2 ½ inches	2 inches	2 inches	-
Wearing course	1 ½ inches	1 inches	1 inches	-
Wearing course	-	-	-	2 inches

\* Maximum stone size = four inch (4") diameter

\*\* Maximum stone size = one and one half inch (1 ½") diameter

Note: All pavement depths are compacted depths.

All road materials and construction methods shall be in accordance with the State of New Hampshire, Department of Transportation, Specifications for Road and Bridge Construction, current edition.

### **10.03 STORM DRAIN SYSTEM:**

**A. General:**

1. The proposed development shall provide for proper surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm water system and will help reduce flooding, erosion, and sedimentation.
2. The drainage system shall be designed so that the post-development runoff rate does not exceed the pre-development runoff rate. Surface water runoff shall be controlled and directed in a system of catch basins, pipes, swales, drainage ways, culverts, or channels to a natural watercourse or existing drainage facilities.
3. Where a subdivision is traversed by a watercourse, drainage way, channel, or stream, there shall be provided an easement conforming to the lines of such watercourse. When a proposed drainage system will result in water encroaching on land outside the subdivision, appropriate drainage rights must be secured and indicated on the plan.



4. Where the Road Agent determines that the existing downstream, offsite drainage system is substandard, the Planning Board may require the Applicant to improve the existing drainage system.

**B. Design Computations:** A drainage study/storm water management report shall be submitted for review and shall include:

1. A table of contents;
2. A narrative statement that indicates how the Applicant has met the requirements of Section 12.03-A and describes the methodology and results of analyses;
3. A summary table comparing existing and post-development rates of runoff for each individual drainage basin/watershed to abutting properties. All watersheds and drainage areas shall be consistently labeled in the tables, calculations, and plans;
4. A summary table of each pipe indicating project location, pipe size, type, length, slope, Manning's "n" value, peak discharge, depth of flow, and peak velocity for the design storm. The summary table shall also include hydraulic grade line (HGL) elevations at each location in closed conduit piping systems;
5. A summary table of each swale and channel indicating project location, cross-section/channel width, slope, Manning's "n" value, peak discharge, depth of flow, and peak velocity for the design storm;
6. The project location and watershed area shown on USGS quadrangle as a figure in the report;
7. A watershed area plan for existing condition showing topography and existing ground elevations at two (2') foot contour intervals for the project site. The plan shall clearly show the boundary of each drainage area and sub-area with identifying label and the size indicated in acres;
8. A watershed area plan for post-development conditions showing existing and proposed topography at two (2') foot contour intervals for the project site. The plan shall clearly show the boundary of each drainage area and sub-area with identifying label and the size indicated in acres. The post-development area shall be shown on a separate plan from the existing condition;
9. Runoff calculations shall be completed for the existing and post-development conditions using Soil Conservation Service (SCS) methods as described in the Storm water Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire for the appropriate design storms as required by the regulations;
10. Flood routing calculations shall be provided for the design of each detention basin and pond using acceptable methods or as may be approved by the Town Engineer. In addition to the design storm, a fifty (50)-year storm analysis shall be conducted to establish the fifty (50)-year elevation at the

detention basin. A minimum of twelve (12) inches of free board shall be provided above the fifty (50)-year storm to the minimum elevation of embankment at the detention basin;

11. Water quality treatment facilities shall be designed to New Hampshire Department of Environmental Services standards and are in addition to the requirements of these regulations;
12. Riprap design calculations shall be provided to the requirements of the Storm Water Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire for each pipe discharge location and where necessary for open channels and swales; and
13. A licensed professional engineer in the State of New Hampshire shall stamp the report.

**C. Flow Computations:** Flow computations shall be in accordance with the following:

1. Manning's formula shall be used to compute capacities for all open channels, swales, and closed piping drainage systems; and
2. The capacity of cross culverts shall be computed in accordance with Manual on Drainage Design for Highways - New Hampshire Department of Transportation.

**D. Design Runoff:** The rainfall frequency to be used for calculations shall be as follows:

1. Residential areas: twenty five (25) years;
2. Commercial areas: twenty five (25) years;
3. Industrial areas: twenty five (25) years; and
4. Flood protection works: fifty (50) years.

**E. Placement of Drain Lines:** All off-site drain lines shall be placed within right-of-way dedicated for public street unless use of easements is specifically approved by the Board.

**F. Pipe Size, Velocity and Type:**

1. Minimum allowable pipe diameter in any storm drain system shall be fifteen (15") inches;
2. The minimum design velocity in pipes shall be two (2') feet per second and the maximum velocity shall be ten (10') feet per second;
3. The minimum depth of cover for storm drain lines shall be thirty-six (36") inches from the top of pipe to finished grade;

4. Pipe bedding material shall be three-quarter (3/4") inch crushed stone. Bedding shall be a minimum six (6") inch depth in earth and twelve (12") inch depth in ledge; and
5. Acceptable pipe material shall be Class III (2000D) reinforced concrete pipe (RCP).
6. Maximum length between drain manholes and catch basins shall be three hundred (300') feet.

**G. Drainage structures:** Manholes and other drainage structures shall be pre-cast concrete meeting H-20 loading and constructed and installed in accordance with New Hampshire Department of Transportation Standards and Specifications for Road and Bridge Construction. Drainage structures shall not exceed eighteen (18') feet in depth (rim to bottom of structure).

**H. Driveway Culverts:** The location, length, size, bedding, and backfill of all driveway culverts shall be approved by the Road Agent prior to construction.

## **10.04 MONUMENTS :**

### **A. Location:**

1. **Street right-of-way:** Monuments shall be placed at all angle points, points of curvature (PC) and points of tangents (PT) on both sides of the right-of-way. Monuments shall also be placed at any intermediate points, as required by the Road Agent; and
2. **Subdivision and lot:** Monuments for the external boundaries of the tract being subdivided and the lots that are being created shall be placed not more than one-thousand (1000') feet apart in any straight line, at all corners, at the beginning and end of all curves and at all angle points.

### **B. Type:**

1. **Street right-of-way:** Shall be marked by a stone or concrete monument four inches by four inches by thirty six inches (4" x 4" x 36") in size (minimum); and
2. **Lots:** At least one lot corner at the right-of-way line shall be marked by a stone or concrete monument four inches by four inches by thirty six inches (4" x 4" x 36") (minimum). All other lot corners shall be marked by either a one (1)-inch diameter iron pipe or five-eighth inch diameter (5/8") steel bar at least thirty (30") inches in length or a drill hole set in existing stone walls.

## **10.05 ROAD PLAN REQUIREMENTS:**

### **A. Plan and profile drawings:**

1. All items required above under Drainage
2. All items required above under Utilities
3. Profile grid (station and elevation) with horizontal to vertical scale (ratio = 5:1) and datum
4. Existing grade profile
5. Proposed profile:
  - (a.) PVIs (station and elevation)
  - (b.) PVCs (station and elevation)
  - (c.) PVTs (station and elevation)
  - (d.) Length of vertical curve
  - (e.) K-values
  - (f.) Tangent slopes
  - (g.) Drainage system
  - (h.) Crest stations identified (stations and elevations)
  - (i.) Sag stations identified (stations and elevations)
  - (j.) Existing and proposed grades at fifty (50)-foot stations
6. Road intersection (equation of stations of intersecting streets)
7. Label street name
8. Right-of-way lines
9. Easement lines:
  - (a.) Drainage
  - (b.) Visibility
  - (c.) Utility
  - (d.) Access
  - (e.) Slope
10. Wetlands Mapping:
  - (a.) Wetland limits identified
  - (b.) Impact area identified in square feet for each individual location
11. Driveway shown to each individual lot (with grading and culverts if required)
12. Centerline geometry including:
  - (a.) Bearings and distances labeled

- (b.) Tangents
  - (c.) Curve data
  - (d.) PC's
  - (e.) PT's
- 13. Pavement:
  - (a.) Width
  - (b.) Corner radius (edge of pavement)
  - (c.) Curbing (if applicable)
- 14. Existing and proposed lot lines
- 15. Lot designations
- 16. Under-drain location (beginning and end stations)
- 17. Guardrail:
  - (a.) Location (beginning and end stations, off-set)
- 18. Traffic control signs (stop, street, etc.)
- 19. Pavement markings

**B. Construction Detail Drawings:**

Note: Construction details to conform with New Hampshire Department of Transportation Standards and Specifications for Road and Bridge Construction and Town of Fremont Subdivision Regulations.

- 1. Typical cross-section of roadway
- 2. Typical driveway plan and profile apron detail
- 3. Curbing detail (if applicable)
- 4. Guardrail detail (if applicable)
- 5. Sidewalk detail (if applicable)
- 6. Traffic signs and pavement markings
- 7. Typical under-drain trench detail
- 8. Drainage structure(s):
  - (a.) Catch basin (including frame and grate)
  - (b.) Manhole (including frame and cover)
  - (c.) Outlet structure (detention basins)
  - (d.) Headwalls
  - (e.) Flared end sections
- 9. Outlet protection rip-rap apron
- 10. Level spreader

11. Treatment swale
12. Typical section at detention basin
13. Typical pipe trench:
  - (a.) Drainage
  - (b.) Utilities
14. Erosion control details:
  - (a.) Hay bale barriers at waterways
  - (b.) Silt fence
  - (c.) Stone check dam
  - (d.) Stone construction entrance
  - (e.) Inlet filter basket
  - (f.) Hay bale barrier at catch basin
15. Notes:
  - (a) Notes as required by the Town of Fremont
  - (b) Construction sequence
  - © Erosion control notes
  - (d) Turf establishment notes

**C. Cross-Sections:**

1. Roadway cross sections at fifty (50')-foot intervals and culvert locations
2. Scale of sections at one inch equals ten feet (1"=10') horizontal and vertical
3. Existing and finish centerline grades
4. Proposed pavements, crushed gravel and gravel limits
5. Right-of-way and easement limits
6. Roadway and shoulder cross slopes
7. Embankment slopes
8. Under-drains

## 10.06 CONSTRUCTION OBSERVATION:

- A. The Applicant shall be responsible for obtaining all necessary reports and obtaining the necessary construction observations by the Road Agent and/or Town Consultant Engineer for required improvements during construction. The necessary construction observations and reports are as follows:
1. The center fifty (50') feet of each street right of way shall be cleared of all trees, stumps, brush, roots boulders and like material.
  2. Within the roadbed, a width of no less than forty four (44 ') feet, centered in the right of way, shall be cleared of all loam and other unsuitable material.
  3. **Observation:** At this stage of construction, and prior to performing any cuts and fills, the roadbed shall be observed by the Road Agent or the Towns Consulting Engineer.
  4. **Observation:** Fill operations to bring the roadway to subgrade shall be observed by the Road Agent or the Towns Consulting Engineer. At the Road Agent or Consulting Engineer's discretion, compaction tests at the fill areas may be required.
  5. Upon completion of rough subgrade and prior to the placement of any gravel sub-base, all underground utilities shall be installed.
  6. **Observation:** Installation of all drainage piping and structures, associated swales, ditches, other drainage improvements, and any other underground utilities located within the right of way shall be observed by the Road Agent or the Towns Consulting Engineer.
  7. Roadway Subgrade – Upon completion of all underground utilities, the road subgrade shall be shaped and compacted. Subgrade shall include shaping of the ditch line, cut slopes and fill slopes.
  8. **Observation:** Upon completion of the subgrade preparation, and prior to the placement of any gravel, subgrade shall be observed by the Road Agent or the Towns Consulting Engineer.
  9. Sieve analysis reports of the gravel and crushed gravel to be used as sub-base, in compliance with New Hampshire Department of Transportation and Town requirements, shall be provided for review and approval prior to placement.
  10. Compaction test results shall be submitted to the Road Agent or Town's Consulting Engineer, indicating the gravel and crushed gravel was compacted in compliance with New Hampshire Department of Transportation requirements shall be provided.

11. The road shall have a base of a minimum of twelve (12”) inches of gravel. The width of gravel shall meet the requirements shown on the Typical Local Street Section contained at the end of these regulations.
12. **Observation:** Upon completion of the gravel placement, and prior to the placement of any crushed gravel, the gravel course shall be observed by the Road Agent or the Towns Consulting Engineer.
13. The road shall have a sub-base of a minimum of six (6”) inches of crushed gravel. The width of crushed gravel shall meet the requirements shown on the Typical Local Street Section contained at the end of these regulations.
14. **Observation:** Upon completion of the crushed gravel placement, and prior to the placement of any bituminous pavement, the crushed gravel course shall be observed by the Road Agent or the Towns Consulting Engineer. All road shoulders, ditches, fill slopes and cut slopes shall be constructed prior to the placement of any bituminous pavement.
15. Streets and cul-de-sacs shall be paved with a minimum two (2 “) inch deep (compacted) base course and a 1 inch deep (compacted) wearing course of bituminous pavement. All bituminous pavement shall be rolled and compacted using a minimum eight (8) ton static roller. The minimum ground temperature for placement of base course pavement is forty (40) degrees Fahrenheit. The minimum base pavement temperature for placement of the wearing course of pavement is fifty (50) degrees Fahrenheit. If more than one construction seasons passes between the placement of the base course pavement and the wearing course pavement, a bituminous tack coat, at the rate of 0.25 gals/SY, shall be applied to the base course pavement prior to the placement of the wearing course of pavement.
16. The Road Agent or the Town’s Consulting Engineer shall observe the placement of all bituminous pavement.
17. Upon completion of the base course of pavement, all street signs, stop signs and any other signs required per the approved plans shall be constructed. All signs shall the meet the requirements of the current Manual on Uniform Traffic Control Devices (MUTCD).
18. Final site visit – The Road Agent and the Town’s Consulting Engineer shall perform a site visit to determine if the improvements required by the approved subdivision plan have been completed to the town’s satisfaction.

**B. Construction Observation Service Fee and Costs:**

1. All Applicants shall be required to deposit a construction observation escrow fee with the Town of Fremont. This escrow fee shall cover all costs incurred by the Town of Fremont and the cost of the Town of Fremont’s designated agent who shall monitor and observe improvements for compliance with the approved plans and required engineering standards.



2. Escrow shall be determined by the Town of Fremont, but shall normally calculated at the rate of four (\$4.00) dollars per lineal foot of roadway to be constructed. The Town of Fremont, to cover administrative costs, shall retain ten percent (10%) of final construction observation costs. The Town of Fremont may contract with consultants for construction observation services. The Applicant shall be responsible for all costs of all construction observations and associated work.
  3. If it is determined that any of the required improvements have not been constructed in accordance with the Town of Fremont's construction standards and specifications, the Applicant shall be responsible for the reconstruction and reconstruction observation of the improvements. The escrow account shall be periodically reviewed to assure that sufficient funds are available to cover all construction observation costs and additional escrow provided as needed. Upon acceptance of the project, unused escrow amount shall be returned to the Owner.
- C. **Arrangement for Construction Observations:** At least fifteen (15) working days prior to commencing construction of any subdivision improvements, the Applicant shall notify the Road Agent, in writing, of the time when he proposes to commence construction. The applicant shall pay to the Town of Fremont the escrow amount for the construction observation fee. The Road Agent will arrange for construction observation by the Town's agent to assure that all standards, specifications and requirements are met during the construction of the required improvements and utilities. The Applicant shall request to schedule a pre-construction meeting with the Road Agent which is mandatory prior to the start of construction.
- D. **Proper Installation of Improvements:** If the Town of Fremont or the Town's Agent finds, upon construction observation of the improvements performed before the expiration date of any security, that any of the required improvements have not been constructed in accordance with approved plans and specifications or any conditions of approval of the Town of Fremont Planning Board, the status shall be reported to the Fremont Board of Selectmen. The Board of Selectmen shall then notify the Applicant and, if necessary, the bonding company or escrow agent and take all necessary steps to preserve the Town of Fremont's rights under the bond or agreement. No plan shall be approved by the Fremont Planning Board as long as the Applicant is in default on a previously approved Subdivision Plan.
- E. **Failure to Complete Improvements or Abandon Project:** When a performance bond has been posted and required improvements have not been installed or completed within the terms of such performance, the Board of Selectmen may declare the project in default and use the bond to complete all outstanding required improvements.
- F. **No Cut Zones:** No cut zones indicated on the plans shall be clearly delineated in the field using flagging tape or similar approved methods prior to construction and shall be maintained throughout construction of the project.

## **10.07 RECORD DRAWINGS**

Subsequent to completion of all the required improvements and prior to the release of the road construction bond, the Applicant shall submit to the Town, a detailed “record drawing” (one mylar reproducible and two paper prints). The Applicant’s engineer shall certify that the layout of the line and grade of all public improvements is in accordance with approved construction plans of the subdivision.

## **10.08 ACCEPTANCE:**

The Fremont Board of Selectmen will not execute a final bond release until the Applicant files a notarized letter with the Board stating that all required improvements have been completed and are free and clear of any and all liens and encumbrances. The Road Agent and Town Consultant Engineer will conduct a final site visit to verify that all required improvements have been completed and are ready for dedication to the Town of Fremont.

## **10.09 MAINTENANCE OF IMPROVEMENTS:**

The Applicant is responsible and shall be required to maintain all improvements until the acceptance of said improvements by the Town of Fremont.

## **10.10 WINTER MAINTENANCE**

The Town of Fremont, at the request of the owner, will perform winter maintenance (plowing and sanding) of a project roadway until such time as the Town formally accepts the roadway. The fee for winter maintenance shall be two (\$2.00) dollars per lineal foot of maintained road, or a minimum fee of one thousand (\$1,000), whichever is greater. This fee shall be renewed annually and must be received by the Town no later than October 1.

## SECTION 11 SPECIAL FLOOD PROTECTION PROVISION

If any part of the area of the proposed subdivision or development lies within the boundaries of the Special Flood Hazard Area, as shown on the map on file in the Planning Board Office, the following special criteria shall apply:

- A. Any such identified area shall be so noted on all presentations and final plats.
- B. Total acreage and square footage shall be noted as a part of the total area and as part of individual building lots.
- C. Drainage and drainage structures shall be constructed in a manner to accommodate a so-called one hundred (100) year interval flood.
- D. All systems for the supply of water or the discharge of household wastewater shall be constructed in such a way which will prevent the infiltration of floodwater and contamination of water supplies or backup of wastewater from a one hundred year (100) interval flood.
- E. The subdivision and/or building site shall be so laid out that sites for buildings to be used for human occupancy will either:
  - 1. Not be located in the flood hazard area, or
  - 2. If a building is to be located within the flood hazard area, it shall be constructed in such a fashion that neither the structure or its' essential utilities will be harmed by a one hundred (100) year interval flood.
- F. Restrictions necessary to achieve the goals of this Section shall be placed on the plan or shall accompany the plan and be referenced by it.
- G. The Planning Board shall review the proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S. C. 1334.
- H. The responsible person shall require that all subdivision proposals and other proposed new development greater than fifty (50) lots or five (5) acres, whichever is the lesser, include within such proposals Base Flood Elevation (BFE) data.
- I. Sufficient evidence (construction drawings, grading and land treatment plans) shall be submitted so as to allow determination that:
  - 1. all such proposals are consistent with the need to minimize flood damage
  - 2. all public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage, and
  - 3. adequate drainage is provided so as to reduce exposure to flood hazards.

## **ARTICLE IV: ADMINISTRATION**

### **SECTION 1. PERFORMANCE AND MAINTENANCE GUARANTEE**

#### **A. POSTING OF PERFORMANCE GUARANTEE**

The Board, under advice from the Town Engineer, shall set the amount and type of the performance guarantee prior to the final approval of the subdivision plan. The developer shall post such guarantee with the Town prior to the issuance of any building permits for the site. The guarantee shall cover the estimated cost of constructing and installing all site improvements, including, but not limited to: street work (both public and private roads), drainage facilities, parking and/or loading facilities, landscaping, and other utilities.

The basis for determining the performance guarantee shall be one hundred percent (100%) of the costs of all required site improvements, plus any other funds necessary for the completion of ancillary work as conditioned by the Board's approval. The amount shall be reviewed and approved by the Board. Time limitations shall be imposed upon completion of the improvements of the site in accordance with the approval. Bonding shall not be considered a vesting of rights, nor shall posting of a bond be considered "active and substantial development or building". Failure to commence work on site improvements within the specified time limits will result in one of the following situations

1. A forfeiture of the performance guarantee in favor of the town in order to complete the required improvements, or;
2. The need to post a new guarantee prior to construction, or;
3. Revocation of the approved plan pursuant to RSA 676:4-a.

Performance Guarantees must be represented in a written agreement with, and acceptable to, the Board, and Town Counsel. This provision insures proper and legally binding agreements and appropriate economic assurance for the protection of the Town of Fremont and its citizens.

The Board may accept the following methods of posting a performance guarantee:

1. Cash or a savings passbook held in the name of the Town and deposited with the Town Treasurer.
2. A bond issued by a guarantee company authorized to do business within the State of New Hampshire, in an amount and manner acceptable to the Board, after consultation and approval by Town Counsel.
3. A letter of credit in an amount and manner acceptable to the Board after consultation and approval by Town Counsel and Board of Selectmen.

#### **B. RELEASE OF PERFORMANCE GUARANTEE**

Upon inspection of a partial completion of required improvements, the Board may authorize in writing a reduction in the performance guarantee up to an amount equal to the work completed. The Town shall retain sufficient funds for the current cost to complete the remaining improvements as indicated by a qualified contractor's bid estimate approved by the Board, plus a retainage of twenty percent (20%) of the original performance guarantee amount which shall be kept until all required improvements have been inspected and accepted by the Town. If the costs for completing the required improvements exceed the amount of performance guarantee held by the Town, additional funds shall be required by the Board, in order to ensure completion before the development proceeds any further.

The retainage shall be held until the completion of all required improvements have been inspected and approved by the Board.

Should progress toward the completion of all required improvements fall substantially behind the mutually agreed upon timetable, the Board may obtain a completion cost estimate, at the applicant's expense, from:

1. The developer's contractor; or
2. A qualified contractor of the Board's choice.

If the estimated completion costs exceed the amount of the performance guarantee posted with the Town, the developer shall post an additional performance guarantee as is necessary to complete the required improvements. The developer shall post such guarantee within thirty (30) days of notice thereof.

The performance guarantee (or balance thereof) shall not be released until the Board (or its agent) has certified completion of the required site improvements in accordance with the approved final plat, and Town Counsel has reviewed and approved all deeds governing land to be used for public purposes, as well as all easement agreements for the site.

Installation of all required improvements shall be completed within two (2) years of the date of the final plan's approval, unless the time frame is extended by mutual consent of the applicant and the Board. If the required improvements are not satisfactorily installed within the mutually agreed upon timetable, the posted performance guarantee shall be forfeited by the applicant.

Prior to the return of the balance of the performance guarantee, the Town's Building Inspector, Code Enforcement Officer, or designee, shall certify that all site improvements have been installed as per the approved site plan. Furthermore, the developer shall certify that the "as built" location of all newly installed utilities are in conformance with the approved subdivision plan. Any change in location of the utilities shall require the submission of "as built" plans indicating the actual location of the newly installed utilities.

## **C. MAINTENANCE BOND**

For roads proposed to be accepted by the Town, the Board will not release the performance guarantee until a maintenance bond is in place. The Town will require a maintenance guarantee covering the maintenance of public roads and other public improvements for a period of two (2) years from the date of completion, in an amount no less than ten percent (10%) and no more than twenty percent (20%) of the improvement costs. If repair or unusual maintenance is needed or additional improvements are required then such costs as are necessary shall be drawn against said guarantee.

## **SECTION 2. PREMATURE AND SCATTERED SUBDIVISION**

The Planning Board may decline to approve a subdivision which it finds to be "premature and/or scattered" and which could, if approved, involve danger or injury to the health, safety or property of the Town and its' inhabitants as provided in RSA 674:36.

- A. It is determined by the Planning Board that a proposed subdivision is scattered or premature. Unless special off-site improvements are made the Planning Board may require the applicant to make such improvements or address the impacts on facilities or services satisfactorily to the Planning Board.

- B. If improvements cannot be made to cure the conditions, the Planning Board may decline to approve such subdivision until at such time as the required conditions are determined by the Planning Board to be corrected.

### **SECTION 3. WAIVERS**

The Planning Board, at a Public Hearing for which proper notice has been given, may waive such requirements of the foregoing regulations that it determines:

- A. Are not a requisite to the interest of public health, safety, general welfare, and
- B. Which do not conflict with the intent of the regulations, and
- C. Do not conflict with the Fremont Zoning Ordinance.

When making its determination as to any waiver, the Board shall take into consideration the prospective character of the development and of abutting properties. Special circumstances and conditions relating to a particular subdivision must be evident.

When the applicant desires the waiver of any provisions of the foregoing regulations he shall include, at the time of application, a request in writing therefor with a statement of reasons for such request with the application for approval of the preliminary plans. The Planning Board may reject all and any requests.

Costs for any additional public hearing held for the purpose of such waivers shall be assessed to the applicant.

### **SECTION 4. RECORDING THE FINAL PLAT**

- A. The drawings shall be certified by a registered Land Surveyor or Engineer and shall be clearly legibly drawn.
- B. The drawings shall be of a scale of not more than one hundred (100') feet to the inch.
- C. Adequate space shall be provided on the map for the necessary endorsement by the proper authorities on each page of the plan to be recorded.
- D. A margin of at least one (1") inch shall be provided outside ruled border lines on three sides and at least two (2") inches along the left side, or as required by the Registry of Deeds.
- E. The size of the mylar sheets shall conform to the requirements of the Registry of Deeds of Rockingham County for filing.
- F. Sufficient data acceptable to the Planning Board to determine readily the location, bearing and length of every line, lot line, boundary line and be able to reproduce such lines on the ground.
- G. All dimensions shall be bound to hundredths of a foot and bearings to at least half minutes. The error of closure shall not exceed one to ten thousand (1 to 10,000).
- H. No later than three (3) business days after the date of final approval the Planning Secretary or assigns shall transmit to the Register of Deeds of Rockingham County the approved and signed mylar of the final plat for recording. Final plat must contain attested approval by the Fremont Planning Board.
- I. The developer shall supply to the Town of Fremont Planning Board two (2) copies of the plat to be

registered. **Copies of these registered plats must be received by the** Town of Fremont prior to any subsequent activity within the subdivision.

- J. The developer shall supply six (6) additional copies of the micro film reduced size reproductions of the registered plat for use by emergency departments in the Town during development and familiarization of the new streets.
- K. No subdivision plans may go to record before a bond is in place or the roadwork completed and utilities or other infrastructure are finished.

## SECTION 5. AMENDMENTS

The Planning Board may from time to time amend these regulations. Amendments to the Subdivision Regulations shall include the following steps:

The Board shall hold at least one (1) public hearing on the proposed regulations and/or amendments.

Notice for time, place and date of any hearing to amend shall be given at least ten (10) calendar days before hearing, not including day of posting or day of hearing. Notice of hearing shall be published in a paper of general circulation in Town and posted in two (2) public places. Notice shall include an adequate statement describing the proposal and the place where a full text of proposal is on file for public inspection. Posting shall include a copy of the full text.

The Planning Board may adopt the amendments upon completion of the public hearing by an affirmative vote of a majority of its members.

Regulations and/or amendments adopted shall be legal and have full force and effect when copies are certified by a majority of the Planning Board members and filed with the Town Clerk and the Board of Selectmen. A copy of the regulations and/or amendments shall be forwarded to the Office of State Planning.

## SECTION 6. DEFINITIONS

In general, words and terms used in these regulations shall have their customary dictionary meanings or the same meanings as corresponding words and terms as defined in the Zoning Ordinance of the Town of Fremont, and more specifically some words are defined as follows:

**Abutter:** abutter shall mean any person whose property is located in New Hampshire adjoins, or is directly across a street or stream from, the land under consideration by the Board. For purposes of receiving testimony only and not for purposes of notification, the term "abutter" shall include any person who is able to demonstrate that his/her land will be directly affected by the proposal under consideration, for purposes of these regulations anyone who owns land within one hundred (100') feet of the site is presumed to be directly affected. For purposes of receipt of notification by the Town of a Board hearing, in the case of an abutting property being under condominium or other collective ownership, the term abutter shall mean the officers of the collective or association, as defined in RSA 356-B:3, XXIII, and any amendments thereto.

**Acceptance:** an affirmative vote by a majority of the planning board at a public meeting that an application contains all of the items required by the subdivision regulations.

**Applicant:** applicant shall mean the owner of record of the land which is proposed to be subdivided, including any subsequent owner of record who proposes such development, or the duly authorized, in writing, agent of any such owner.

**Approval:** action by a majority of the planning board signifying that the proposal meets all applicable regulations and that there are no unresolved concerns requiring further board consideration.

**Approval with Conditions Precedent:** action by a majority of the board that signifies that not all of the applicable regulations have been met but that require only minor revisions or non-discretionary issues such as receiving state permits, bonds to be posted with the town, or payment of fees. This action is not a final action of the board and plats shall not be signed. Such approvals may have reasonable time limits for compliance. However, in certain circumstances, such action may result in a “final action” for purposes of appealing the decision to the courts.

**Approval with Conditions Subsequent:** action by the board which includes conditions that appear on the plat or within the minutes or decision which place restrictions on the use of the property or safeguards that must be observed during development of the parcel or once the project is in use. Such issues might include the location of a road, preservation of vegetation and stone walls, etc. Such action is a final action and can result in the signing of plats as long as other issues are met.

**Board:** shall mean the Planning Board of the Town of Fremont, New Hampshire as established under the provisions of RSA 673:2, as amended.

**Bond:** Any form of security including a cash bond, a surety bond, collateral, or instrument of credit in any amount and form satisfactory to the Planning Board.

**Certified soil scientist:** a person qualified in soil classification and mapping whom is certified by the State of New Hampshire.

**Commercial Uses:** As defined by the Town of Fremont Zoning Ordinance.

**Community Wastewater System:** A non-municipal wastewater disposal system that serves more than one lot. When this type of system is proposed, the design and specifications for the same shall be submitted and shall have been certified by a professional engineer qualified and registered under applicable New Hampshire statutes.

**Community Water Supply:** A non-municipal water supply system that serves more than one lot. When this type of system is proposed, the design and specifications for the same shall be submitted and shall have been certified by a professional engineer qualified and registered under applicable New Hampshire statutes.

**Completed Application:** this term refers to the application form with all information completed as requested on the form (with the exception of requested waivers from applicable regulations), all attachments, drawings, approvals, additional studies, and other paperwork as requested in the form, elsewhere in these regulations, or required by the planning board, and all fees and administrative expenses as indicated in these regulations. The information provided shall provide sufficient information to allow the Board to proceed with consideration and to make an informed decision. Once accepted an application shall become a public document and carries no restriction as to reproduction or availability.

**Critical Areas:** Areas of any size within one hundred (100') feet of a stream, water body, or poorly or very poorly drained soils; areas containing slope lengths exceeding twenty five (25') feet on slopes greater than fifteen (15) percent; or critical habitat.

**Cul-de-sac:** A local street with only one outlet and having an appropriate terminal for safe and convenient reversal of traffic movement.

**Development:** this term shall mean the construction of improvements on a tract or tracts of land, including the enlargement of a structure or physical changes to the site in an effort to accommodate an intended use.

**Dwelling Unit:** One (1) or more rooms, including cooking facilities and sanitary facilities in a dwelling structure, designed as a unit for occupancy by not more than one (1) family for living and sleeping purposes.



**Easement:** an easement shall mean the private landowners right or privilege that a person may have in another's land usually for the purpose of installing and/or maintaining utilities, drainage ways, or for access. Such areas shall not be considered presumptive locations for public roadways unless specifically approved as such by the Planning Board.

**Engineer or Surveyor:** these terms shall denote the duly designated, legally recognized, New Hampshire licensed engineer or surveyor employed by the applicant as may be pertinent to the actual services to be performed in accordance with the provisions set forth in RSA 310-A, as amended.

**Frontage:** Any contiguous lot area fronting on an approved road presently in existence or to be constructed.

**Hardpan:** this term refers to a compact soil layer high in silt and very fine sand, generally low in clay; its permeability is less than six tenths (0.6") inches per hour.

**Improvement:** this term shall refer to site grading, landscaping, street or road construction, and utilities (including water, sewer, electric, gas, storm drainage, and their appurtenances) to be installed or agreed to be installed by the applicant on land to be used for public or private streets and easements or other purposes as are necessary for general development of the site. Agricultural and silvicultural activities are not necessarily improvements under this definition and may require a case-by-case analysis.

**Individual waste disposal system:** this term refers to any sewage disposal and/or treatment system other than a municipal system or community system.

**Individual water supply system:** this term refers to any water supply system other than a municipal system or a public water system, which provides potable water.

**Lot:** this term refers to a piece or parcel occupied or intended to be occupied by a principal building or a group of such buildings and accessory buildings, or utilized for a principal use and uses accessory or incidental to the operation thereof, together with such open spaces as required by these regulations and/or the Fremont Zoning Ordinance, and having frontage on a public street.

**Lot Line Adjustment:** a lot line adjustment or boundary line agreement where no buildable lots are created. Such action requires notice and opportunity to be heard but does not require a public hearing for board action.

**Plat or Plan:** refers to the complete set drawings, reports, and accompanying information that comprises a submittal in accordance with these regulations. Statements made by the applicant or applicant's agent at public hearings shall also be considered an integral part of the plat or plan upon which a decision was made.

**Public Meeting:** is any meeting of the planning board that has been properly noticed in accordance with these regulations and/or RSA 91-A, as applicable.

**Regional Impact:** refers to a proposal before the planning board that could reasonably be expected to impact on neighboring municipality, because of factors such as, but not limited to, size, proximity to border, transportation, emissions, water resource impact, and shared facilities.

**Right-of-way:** refers to any area or interest in land that is intended for public traverse, whether accepted by the town or not.

**Seasonal high water table (SHWT):** this term refers to the upper limit of the ground water in a soil that becomes seasonally saturated with water.

**Sensitive areas:** this term refers to land and resources that possess environmental, cultural, or historic factors that warrant special consideration during planning board review. Such area may include, but are not limited to, historic homes, stream banks, wetlands, wildlife habitat (plant and animal), trails, etc.

**Stream:** A course of water that flows for sufficient time of the year to develop and maintain defined channels by may not flow during dry portions of the year. Includes but is not limited to all perennial and intermittent streams located on USGS maps.

**Street:** as set forth in RSA 672:13, street means, relates to and includes street, avenue, boulevard, road, land, alley viaduct, highway, freeway and other ways. The term "streets" shall also apply to areas on any plans designated as streets, roads, lanes, etc.

**Subdivision:** subdivision means the division of a lot, tract, or parcel (which may include one or more tracts, lots, or parcels) of land into two or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, for sale, rent, lease, or building development: in short, any division of land which creates the potential for additional dwelling units or bedrooms. The term includes resubdivision, and when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided. The division of a parcel of land held in common and subsequently divided into parts among several owners shall be deemed a subdivision for the purpose of these regulations, in accordance with RSA 672:14, as amended.

**Sub-divider:** A sub-divider is an individual or any legal entity or agent therefor that undertakes the activities governed by these regulations. The term shall also include the terms builder and developer even though the persons so designated may be involved in successive stages of the subdivision.

**Submission:** this term refers to the process of applying to the Board for site plan review, formal submission is the formal presentation of a site plan to the Board at a public hearing, submission is a prerequisite for acceptance of a complete application.

**Town Engineer:** The duly designated engineer of the Town of Fremont. If there is no such official, the consultant or official assigned by the Fremont Planning Board.

**Upland soils:** refers to soils that are not poorly or very poorly drained in accordance with these regulations.



## **FREMONT SUBDIVISION PLAN CHECKLIST**

### **An application shall include the following to be considered complete:**

- \_\_\_\_\_ 6 copies of the plan
- \_\_\_\_\_ Copy of the "Checklist for Preparing Subdivision Application" signed by the owner or legal representative (found just inside the front cover of the Subdivision Regulations)
- \_\_\_\_\_ Cover letter of intent
- \_\_\_\_\_ Current typed butters list
- \_\_\_\_\_ Proper check amount
- \_\_\_\_\_ List of requested waivers where applicable)

### **A subdivision plan shall contain the following information, where applicable, to be considered complete:**

- \_\_\_\_\_ Current owners name(s) and address (es)
- \_\_\_\_\_ Abutters names and addresses (a separate list of current names and addresses of abutters must also be provided)
- \_\_\_\_\_ Subdivision name and/or identifying title and plan number
- \_\_\_\_\_ Tax map and parcel number
- \_\_\_\_\_ Surveyor name, address and stamp
- \_\_\_\_\_ Engineer name, address and stamp
- \_\_\_\_\_ Surveyed property lines
- \_\_\_\_\_ Locus map
- \_\_\_\_\_ Signature block
- \_\_\_\_\_ North arrow indicting magnetic or true north
- \_\_\_\_\_ Scale (1" = 100' maximum)
- \_\_\_\_\_ Date
- \_\_\_\_\_ Location of all property lines including entire undivided lot
- \_\_\_\_\_ Area, in acres and square feet, of each lot and total parcel, total area left in natural state, wetlands, recreation area and

- area used
- \_\_\_ Topographical Map (2 ft. intervals & spot elevations at less than 5%)
- \_\_\_ Location of proposed and existing drainage systems, structures and easements
- \_\_\_ Location of all existing structures including wells and septic systems within 200' of the site
- \_\_\_ Location of all proposed and existing wells including 100' well radius
- \_\_\_ Location of all septic systems, leaching fields including the 4,000 sq.ft. reserve area
- \_\_\_ All natural features of the land
- \_\_\_ All man-made features of the land
- \_\_\_ Location of natural and historic features
- \_\_\_ Location of water-courses, standing water or fire ponds
- \_\_\_ Location of existing and proposed fire hydrants
- \_\_\_ Location of floodplains and wetlands, including buffer (identified by soil or wetland scientist)
- \_\_\_ Size and location of all existing public and private utilities
- \_\_\_ Road profiles and appropriate details including location and type of streetlighting and cone of illumination
- \_\_\_ Location of existing driveways and parking
- \_\_\_ HISS of entire site or portion determined by the Board
- \_\_\_ USGS bench marks
- \_\_\_ Storm water drainage control plan (50 year storm)
- \_\_\_ Test pits and logs
- \_\_\_ Tree line
- \_\_\_ Monuments and/or iron pins
- \_\_\_ Location and description of all easements
- \_\_\_ Each existing building or manmade structure
- \_\_\_ Summary of Fremont Zoning Ordinance requirements
- \_\_\_ Any burial site as separate from the remainder of the subdivision
- \_\_\_ Variances and/or Special Exceptions (dates given)
- \_\_\_ All waiver requests in writing

**Other items required as applicable:**

- \_\_\_\_\_ N.H. Water Supply & Pollution Control Commission subdivision approval
- \_\_\_\_\_ N.H. Wetlands Board "Dredge & Fill" permit
- \_\_\_\_\_ N.H. Department of Transportation driveway access permit
- \_\_\_\_\_ Traffic impact analysis
- \_\_\_\_\_ Erosion and Sediment Control Plan
- \_\_\_\_\_ Stormwater runoff calculations
- \_\_\_\_\_ Site Specific
- \_\_\_\_\_ Other State or Federal permits as required

Notes:

---

---

---

---

---

---

---

---

---

---

Reviewed

by: \_\_\_\_\_ Date: \_\_\_\_\_

**This checklist is intended to be only a guide. Refer to Subdivision Regulations for complete requirements.**



### **APPLICATION FOR SUBDIVISION**

Name of Applicant: \_\_\_\_\_

Address: \_\_\_\_\_

Owner of Property concerned: \_\_\_\_\_

(If same as above, write "same")

Mailing Address: \_\_\_\_\_

(If same as above, write "same")

Contact information:

Location of Property: \_\_\_\_\_

(Map #, Lot # and Street Address)

#### **A subdivision plan shall contain the following information, where applicable, to be considered complete:**

\_\_\_\_ Current owners name(s) and address (es)

\_\_\_\_ Abutters names and addresses (a separate list of current names and addresses of abutters must also be provided)

\_\_\_\_ Subdivision name and/or identifying title and plan number

\_\_\_\_ Tax map and parcel number

\_\_\_\_ Surveyor name, address and stamp

\_\_\_\_ Engineer name, address and stamp

\_\_\_\_ Surveyed property lines

\_\_\_\_ Locus map

\_\_\_\_ Signature block

\_\_\_\_ North arrow indicating magnetic or true north

\_\_\_\_ Scale (1" = 100' maximum)

\_\_\_\_ Date

\_\_\_\_ Location of all property lines including entire undivided lot

- \_\_\_\_\_ Area, in acres and square feet, of each lot and total parcel, total area left in natural state, wetlands, recreation area and area used
- \_\_\_\_\_ Topographical Map (2 ft. intervals & spot elevations at less than 5%)
- \_\_\_\_\_ Location of proposed and existing drainage systems, structures and easements
- \_\_\_\_\_ Location of all existing structures including wells and septic systems within 200' of the site
- \_\_\_\_\_ Location of all proposed and existing wells including 100' well radius
- \_\_\_\_\_ Location of all septic systems, leaching fields including the 4,000 sq.ft. reserve area
- \_\_\_\_\_ All natural features of the land
- \_\_\_\_\_ All man-made features of the land
- \_\_\_\_\_ Location of natural and historic features
- \_\_\_\_\_ Location of water-courses, standing water or fire ponds
- \_\_\_\_\_ Location of existing and proposed fire hydrants
- \_\_\_\_\_ Location of floodplains and wetlands, including buffer (identified by soil or wetland scientist)
- \_\_\_\_\_ Size and location of all existing public and private utilities
- \_\_\_\_\_ Road profiles and appropriate details including location and type of streetlighting and cone of illumination
- \_\_\_\_\_ Location of existing driveways and parking
- \_\_\_\_\_ HISS of entire site or portion determined by the Board
- \_\_\_\_\_ USGS bench marks
- \_\_\_\_\_ Storm water drainage control plan (50 year storm)
- \_\_\_\_\_ Test pits and logs
- \_\_\_\_\_ Tree line
- \_\_\_\_\_ Monuments and/or iron pins
- \_\_\_\_\_ Location and description of all easements
- \_\_\_\_\_ Each existing building or manmade structure
- \_\_\_\_\_ Summary of Fremont Zoning Ordinance requirements
- \_\_\_\_\_ Any burial site as separate from the remainder of the subdivision
- \_\_\_\_\_ Variances and/or Special Exceptions (dates given)
- \_\_\_\_\_ All waiver requests in writing

Other items required as applicable;

\_\_\_\_\_ N.H. Water Supply & Pollution Control Commission subdivision approval

\_\_\_\_\_ N.H. Wetlands Board "Dredge & Fill" permit

\_\_\_\_\_ N.H. Department of Transportation driveway access permit

\_\_\_\_\_ Traffic impact analysis

\_\_\_\_\_ Erosion and Sediment Control Plan

\_\_\_\_\_ Stormwater runoff calculations

\_\_\_\_\_ Site Specific

\_\_\_\_\_ Other State or Federal permits as required

Notes:

---

---

---

---

---

---

---

---

---

---

---

---

APPLICANT: \_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_